UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	X	USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 07/11/2024
LONSTEIN LAW OFFICE, P.C., JULIE LONSTEIN, WAYNE D. LONSTEIN,	: : :	
Plaintiffs,	:	20-cv-9712 (LJL)
-V-	· :	<u>ORDER</u>
EVANSTON INSURANCE COMPANY, MARKEL SERVICE INCORPORATED, AT&T SERVICES, IN	: : C., :	
Defendants.	X	

LEWIS J. LIMAN, United States District Judge:

On January 6, 2022, the Court granted the motion of Defendant AT&T Services, Inc. ("AT&T") to compel arbitration. Dkt. No. 67. The Court stayed the case against AT&T pending the completion of the arbitration. *Id.* at 17: *see Katz v. Cellco P'ship*, 794 F.3d 341, 343 (2d Cir.), *cert. denied*, 136 U.S. 596 (2015) ("the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.*, requires a stay of proceedings when all claims are referred to arbitration and a stay requested"). The Court thereafter granted the motion of Defendants Evanston Insurance Company and Market Service Incorporated to dismiss the complaint for failure to state a cause of action against them. Dkt. No. 72. On May 12, 2022, the Court entered an order dismissing the claims against Evanston Insurance Company in the Third Amended Complaint with prejudice. Dkt. No. 95. On June 25, 2024, the Court was informed by the parties that the arbitration proceedings instituted by Plaintiffs against AT&T were closed by order of the arbitrators due to non-payment of the arbitral fees. Dkt. No. 104.

The Court entered an Order to Show Cause on June 26, 2024 why this case should not be dismissed without prejudice and closed due to Plaintiff's non-payment of arbitrator fees. Dkt. No. 105. Plaintiffs filed a letter stating that they cannot afford arbitration fees and will not be making a submission in response to the Court's Order to Show Cause. Dkt. No. 106. Defendant AT&T Services (now through its successor in interest, DIRECTV, LLC) filed a response requesting that the case be dismissed without prejudice. Dkt. No. 107.

Accordingly, the case is dismissed without prejudice.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

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Dated: July 11, 2024 New York, New York

LEWIS J. LIMAN

United States District Judge